

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

LEMIRE BAKER-MOORE,

Plaintiff,

v.

CIVIL ACTION NO. 2:20-cv-00267

WARDEN AMES, et al.,

Defendants.

**ORDER**

Pending before the Court are Defendants’ motions to dismiss. (ECF Nos. 17, 32.) By Standing Order entered on January 4, 2016, and filed in this case on April 16, 2020, (ECF No. 2), this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition (“PF&R”). Magistrate Judge Tinsley entered his PF&R on January 31, 2022, recommending this Court deny without prejudice Defendants’ motions to dismiss. (ECF No. 45.)

This Court is not required to review, *de novo* or under any other standard, factual or legal conclusions contained within the PF&R to which no objections were addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and Plaintiff’s right to appeal this Court’s order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party “makes

general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on February 17, 2022. To date, no objections have been filed. Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 45), and **DENIES WITHOUT PREJUDICE** Defendants' motions to dismiss, (ECF Nos. 17, 32). This matter remains referred to Magistrate Judge Tinsley.

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 18, 2022

  
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THOMAS E. JOHNSTON, CHIEF JUDGE